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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,077	10/04/2005	Jeroom Frans Leurs	NL 030350	6549

24737 7590 03/04/2009
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

WILLIAMS, AARON

ART UNIT	PAPER NUMBER
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2889

MAIL DATE	DELIVERY MODE
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03/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,077	Applicant(s) LEURS, JEROOM FRANS	
	Examiner Aaron Williams	Art Unit 2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “optionally, comprises a getter for gettering oxygen” renders the claim as indefinite refer to MPEP 2143.03. And for examination purposes the Examiner interprets the claim to **“a two-sided light emitting device as claimed in claim 1, wherein the perimeter seal is formed of organic adhesive material.”**

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

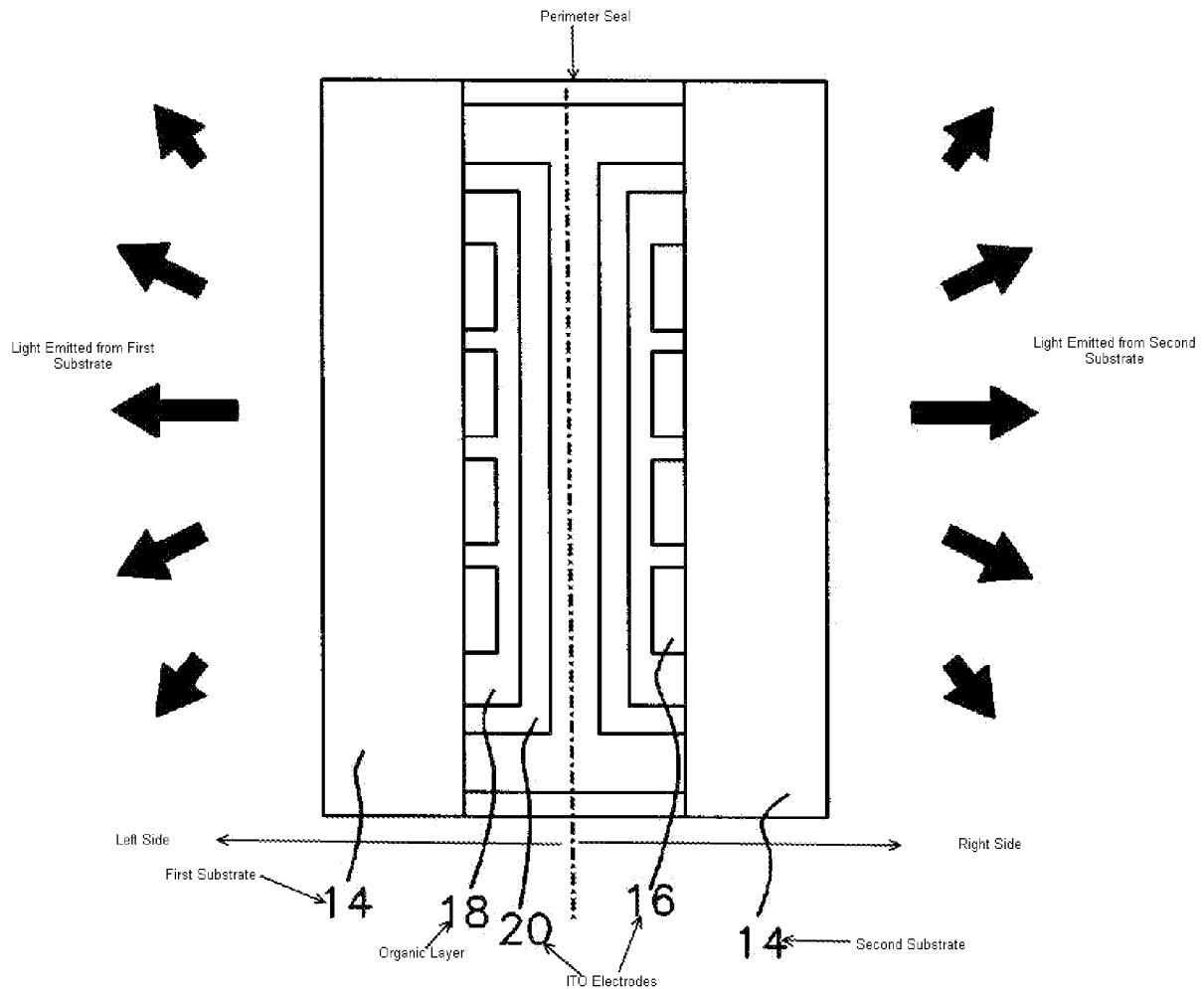
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Korean Patent Application 2002-0056677 to Lee et al., herein refer to as Lee. (citations refer to translation provided)

Regarding claim 1 Lee discloses, **a two-sided light emitting device** (Figure 5, Double-way organic electroluminescent display, page 4) **comprising a first light emitting device** (Figure 5, First organic EL panel, page 5) **having a first light emitting**

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surface, a second light emitting device (Figure 5, Second organic EL panel, page 5) **having a second light emitting surface, a first substrate** (Figure 5, first substrate (14), refer to figure below and page 5) **on which said first light emitting device is formed, said first substrate being light-transmissive for light emitted by the first light emitting device** (First substrate is made of glass), **a second substrate on which said second light emitting device is formed** (Figure 5, Second substrate (14), refer to figure below and page 5), **said second substrate being light-transmissive for light emitted by the second light emitting device** (Second substrate is made of glass) **and fastening means fastening the first substrate to the second substrate wherein the first and second substrate are arranged parallel and spaced to one another** (See Figure 5 below), **the first light emitting device is** (First Light emitting device is the left side of figure below), **with the first light emitting surface facing the first substrate, provided on a side of the first substrate facing the second substrate providing the two-sided light emitting device with a first light emission side and the second light emitting device is** (Second Light emitting device is the right side of figure below), **with the second light emitting surface facing the second substrate, provided on a side of the second substrate facing the first substrate providing the two-sided light emitting device with a second light emission side opposite the first, wherein the fastening means is a perimeter seal providing** (Figure 5, Perimeter seal (Not label), refer to figure below and page 5), **in co-operation with the first and second substrate, a closed housing for the first and second light emitting device.** Refer to Figure 5 and pages 3-5 of translation for full details.



Regarding Claim 6, Lee further discloses **wherein the first and/or second substrate is an integral part of the first and/or the second light emitting device respectively**. Refer to figure above where each light emitting device has a substrate that is an integral part.

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1 – 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Grant Publication 2002/0097194 to Uchida et al., herein refer to Uchida, and further in view of US Patent 6,268,071 to Yasukawa et al., herein refer to Yasukawa.

Regarding claim 1 Uchida discloses in figures 1 - 3, **a two-sided light emitting device** (100, electronic apparatus) **comprising a first light emitting device** (10, organic EL Panel refer to paragraph [0048]) **having a first light emitting surface, a second light emitting device** (20, liquid crystal panel to paragraph [0057]) **having a second light emitting surface, a first substrate** (refer to paragraph [0056]) **on which said first light emitting device is formed, said first substrate being light-transmissive for light emitted by the first light emitting device** (refer to paragraphs

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[0049], [0052], [0056]), **a second substrate on which said second light emitting device is formed, said second substrate being light-transmissive for light emitted by the second light emitting device (refer to paragraph [0057]) and fastening means fastening the first substrate to the second substrate wherein the first and second substrate are arranged parallel and spaced to one another (shown in figures 1 and 2), the first light emitting device is (10, First light emitting surface is shown in figure 1, paragraph [0048]) with the first light emitting surface facing the first substrate, provided on a side of the first substrate facing the second substrate providing the two- sided light emitting device with a first light emission side and the second light emitting device is (20, Second light emitting surface is shown in figure 1, paragraph [0057]), with the second light emitting surface facing the second substrate, provided on a side of the second substrate facing the first substrate providing the two-sided light emitting device with a second light emission side opposite the first. Refer to paragraphs [0048] – [0059] and figures 1 and 2 for full description of prior art.**

But Uchida fails to specifically teach **wherein the fastening means is a perimeter seal providing, in co-operation with the first and second substrate, a closed housing for the first and second light emitting device.**

However Yasukawa teaches wherein the fastening means is a perimeter seal (figure 1, Photo-curing adhesive (5), refer to abstract) providing, in co-operation with the first and second substrate a closed housing for the first and second light emitting

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device. Motivation to combine is to reduce the deterioration of the EL device therefore increasing the lifetime of the device refer to lines 43-47 of column 1.

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to make Uchida's fastening means with Yasukawa's Photo-curing adhesive to reduce the deterioration of the EL device therefore increasing the lifetime of the device.

Regarding Claim 2 Uchida further discloses **wherein at least the first or second light emitting device is an organic, low molecular or polymer, electroluminescent device**. Refer to paragraphs [0055], [0057] and [0059] where it is stated that both sides of Uchida's device that meet the limitations of this claim.

Regarding Claim 4, Yasukawa further discloses **wherein the perimeter seal is formed of organic adhesive material** (Photo-curing adhesive). Motivation to combine would be the same as stated in the rejection of Claim 1 above.

Regarding Claim 5, Uchida further discloses **wherein the first and/or second substrate comprises a sheet of glass or, in combination with one or more barrier layers impervious to water and/or oxygen, synthetic resin**. Refer to paragraph [0056].

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Regarding Claim 7, Uchida further discloses **wherein at least the first or the second light emitting device is a display device**. Refer to paragraph [0048] where (10) is explained to be a full color display.

Regarding Claim 8, Uchida further discloses **wherein the first light emitting device is a stand-by display and the second light emitting device is a display-on-demand display**. Refer to paragraph [0093] where the use of each side of the device is discussed. The Examiner notes that the limitation in claim 8, “wherein the first light emitting device is a stand-by display and the second light emitting device is a display-on-demand display” is an intended use type limitation. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention over the prior art. If the prior art structure is capable of performing the intended use then it meets the claim.

Regarding Claim 9, Refer Uchida paragraph [0011] where Uchida’s mobile electronic apparatus is disclosed to be a mobile phone.

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Regarding Claim 10, **a two-sided light emitting device as claimed claim 1 wherein at least the first or the second light emitting device is a lighting device.** It is obvious to one of ordinary skill in the art that an EL display to can be a lighting device.

Response to Arguments

4. Applicant's arguments with respect to claims 1 has been consider and the deficiencies of the previous office action have been removed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Williams whose telephone number is (571) 270-5279. The examiner can normally be reached on Monday thru Friday 7:00 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Toan Ton can be reached on (571)272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Aaron Williams/
Examiner, Art Unit 2889

/Toan Ton/
Supervisory Patent Examiner
Art Unit 2889